



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

Cr1.O.P.(MD) No.15361 of 2017

- 1.Arivu
- 2.Mani Prabhu
- 3.Malaichamy
- 4.Senthilkumar @ Senthil
- 5.Thangaraj

... Petitioners/Accused Nos.1 to 4&12

-Vs-

- 1.The State rep.by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(Crime No.142 of 2012)

- 2.Eswari ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records relating to the charge sheet in C.C.No.213 of 2013 on the file of the learned Judicial Magistrate, Uthamapalaym and quash the same.

For Petitioners	:	Mr.R. Venkateswaran
For R-1	:	Mr.A.Ramar
		Additional Public Prosecutor
For R-2	:	Mr.S. Sivabalan

O R D E R

This Criminal Original petition is filed to call for the records relating to the charge sheet in C.C.No.213 of 2013 on the file of the learned Judicial Magistrate, Uthamapalaym and quash the same.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for the second respondent.

3. On the basis of the complaint preferred by the second respondent / de facto complainant, a case was registered by the first respondent police in Crime No.142 of 2012, for the offences



under Sections 448, 506(ii) and Section 3 and 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act against the petitioners. Thereafter, the first respondent police has filed a charge sheet before the learned Judicial Magistrate, Uthamapalayam and the same was taken on file in C.C.No.213 of 2013.

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4. It appears that parties viz., petitioners and the de facto complainant have settled their dispute amicably out of Court, at the instigation of the elders and well wishers and they have also entered into a compromise. A joint compromise memo signed by the parties concerned in the presence of their respective counsels is produced before this Court. As per the joint Compromise Memo, the second respondent has stated that she has no objection for quashing the Charge Sheet in C.C.No.213 of 2013 pending on the file of the learned Judicial Magistrate, Uthamapalayam, insofar as the petitioners concerned, as they have resolved their dispute amicably.

5. As per the joint compromise memo, the petitioners and the second respondent, who have appeared before this Court have stated in unequivocal terms that the Joint Compromise Memo was signed by them on their own will and volition. The identities of the parties are verified with reference to the authenticated documents produced by the parties before this Court. The identity of the parties are also confirmed by the learned Additional Public Prosecutor through the first respondent Police.

6. In the said circumstances, this Court is of the view that no useful purpose will be served by keeping this matter pending. Hence, on the basis of the compromise memo signed by the parties, the Criminal Original petition is allowed and the proceedings pending in C.C.No.213 of 2013 on the file of the learned Judicial Magistrate, Uthamapalayam is quashed in respect of the petitioners / A1 to A4 and A12 alone. The Joint Compromise Memo 07.11.2017 signed by the parties shall form part of the order.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

(*)JOINT COMPROMISE MEMO XEROX COPY IS ENCLOSED HEREWITH

To

- 1.The Judicial Magistrate, Uthamapalayam.
 - 2.Do through the Chief Judicial Magistrate, Theni
 - 3.The Inspector of Police, Cumbum South Police Station, Theni District.
 - 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +Two cc to Mr.R.Venkateswaran, Advocate, SR.No.88243
+One cc to Mr.S.Sivabalan, Advocate, SR.No.88244

trp

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RL/8C/ZP/SKN/RSK/SAR1/24/11/2017

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